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Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

| | |
|---------------------------|-----------------------------------------|
| UNITED STATES OF AMERICA, |) No. |
| |) |
| Plaintiff, |) <u>COUNTS 1 and 2:</u> |
| |) FELON IN POSSESSION OF A |
| v. |) FIREARM |
| |) Vio. of 18 U.S.C. §§ 922(g)(1) and |
| KEVIN EARL HARDY, |) 924(a)(2) |
| |) |
| Defendant. |) <u>CRIMINAL FORFEITURE</u> |
| |) <u>ALLEGATION:</u> |
| |) 18 U.S.C. § 924(d)(1) and 28 U.S.C. § |
| |) 2461(c) |

INDICTMENT

The Grand Jury charges that:

COUNT 1

On or about December 25, 2015, within the District of Alaska, the defendant, KEVIN EARL HARDY, having been convicted of a crime punishable by imprisonment for a term exceeding one year, did knowingly possess, in and affecting interstate and foreign commerce, firearms, to wit:

1. One AMT Backup .45 caliber pistol;
2. One Bushmaster XM15-E2S .223 caliber rifle;
3. One Colt Commander .45 caliber pistol;
4. One Jennings J-22 .22 caliber pistol;
5. One Ruger M77 .338 caliber rifle;
6. One Ruger M77 .243 caliber rifle;
7. One Ruger LCP .380 caliber pistol;
8. One Ruger Standard .22 caliber pistol;
9. One Ruger Security Six .357 caliber pistol;
10. One Ruger 10/22 .22 caliber rifle;
11. One Ruger P85 9mm pistol;
12. One Sako Finnbear 7mm rifle;
13. One Smith & Wesson .44 caliber pistol;
14. One Springfield .410 caliber shotgun;
15. One Winchester .300 caliber rifle;
16. One Winchester .22 caliber rifle; and
17. One Winchester 12 gauge shotgun.

Conviction

| <u>Date</u> | <u>Offense</u> | <u>Court</u> | <u>Case No.</u> |
|-------------|-------------------------------------|-----------------|-----------------|
| 4/13/2011 | Assault in the Third Degree | State of Alaska | 3PA-010-00701CR |
| 10/16/1998 | Sexual Assault in the Second Degree | State of Alaska | 3AN-97-8748CR |

All of which is in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2).

COUNT 2

On or about February 14, 2016, within the District of Alaska, the defendant, KEVIN EARL HARDY, having been convicted of a crime punishable by imprisonment for a term exceeding one year, did knowingly possess, in and affecting interstate and foreign commerce, a firearm, to wit: one Colt .25 caliber pistol.

Conviction

| <u>Date</u> | <u>Offense</u> | <u>Court</u> | <u>Case No.</u> |
|-------------|-------------------------------------|-----------------|-----------------|
| 4/13/2011 | Assault in the Third Degree | State of Alaska | 3PA-010-00701CR |
| 10/16/1998 | Sexual Assault in the Second Degree | State of Alaska | 3AN-97-8748CR |

All of which is in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2).

CRIMINAL FORFEITURE ALLEGATION

The allegations contained in Counts 1 and 2 of this Indictment are hereby re-alleged and incorporated by reference for the purpose of alleging forfeitures pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c).

Upon conviction of the offenses in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2), set forth in Counts 1 and 2 of this Indictment, the defendant, KEVIN EARL HARDY, shall forfeit to the United States pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c), any firearms and ammunition involved in or used in knowing violation of the offense, including, but not limited to the following:

1. One AMT Backup .45 caliber pistol, Serial No. DA2182;
2. One Bushmaster XM15-E2S .223 caliber rifle, Serial No. L474243;
3. One Colt Commander .45 caliber pistol, Serial No. 70SC50356;

4. One Jennings J-22 .22 caliber pistol, Serial No. 337613;
5. One Ruger M77 .338 caliber rifle, Serial No. 75-49409;
6. One Ruger M77 .243 caliber rifle, Serial No. 783-29005;
7. One Ruger LCP .380 caliber pistol, Serial No. 376-02264;
8. One Ruger Standard .22 caliber pistol, Serial No. 17-67778;
9. One Ruger Security Six .357 caliber pistol, Serial No. 150-39768;
10. One Ruger 10/22 .22 caliber rifle, Serial No. 110-27902;
11. One Ruger P85 9mm pistol, Serial No. 301-17752;
12. One Sako Finnbear 7mm rifle, Serial No. 42684;
13. One Smith & Wesson .44 caliber pistol, Serial No. S173812;
14. One Springfield .410 caliber shotgun, Serial No. 4245C;
15. One Winchester .300 caliber rifle, Serial No. G2111193;
16. One Winchester .22 caliber rifle, Serial No. B1067054;
17. One Winchester 12 gauge shotgun, Serial No. 141788; and
18. One Colt .25 caliber pistol, Serial No. 309887.

Substitute Property

If any of the property described above, as a result of any act or omission of the defendant:

1. cannot be located upon the exercise of due diligence;
2. has been transferred or sold to, or deposited with, a third party;
3. has been placed beyond the jurisdiction of the court;
4. has been substantially diminished in value; or

5. has been commingled with other property which cannot be divided without difficulty, the United States of America shall be entitled to forfeiture of substitute property pursuant to 21 U.S.C. § 853(p), as incorporated by 28 U.S.C. § 2461(c).

All in accordance with 18 U.S.C. § 924(d), 28 U.S.C. § 2461(c), and Rule 32.2(a), Federal Rules of Criminal Procedure.

A TRUE BILL.

s/ Grand Jury Foreperson
GRAND JURY FOREPERSON

s/ Anne Veldhuis
ANNE VELDHUIS
United States of America
Assistant U.S. Attorney

s/ E. Bryan Wilson for
BRYAN SCHRODER
United States of America
United States Attorney

DATE: 9/19/18